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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/083,263 | 02/25/2002 | Vincent P. Vaccarelli | D/A2038 | 4221 |

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EXAMINER

KRAMER, JAMES A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3627

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,263

Applicant(s)

VACCARELLI ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara et al in US Patent Number 6,564,227 (hereinafter '227) in view of Goldband et al. in US Patent Number 6,434,532 (hereinafter '532)

'227 teaches a customer support system in which a customer support center collects usage information and quality information on a customer device. The customer support center stores part or all of the information and uses the information for supporting the customer (column 4; line 61 – column 5; line 3). Examiner notes that the exemplary method described in this section does not specifically mention how the usage and quality data are collected, just that they are collected.

'227 further teaches that the customer support center remotely sets data which the customer device should transmit or the time at which the device should transmit (column 9; lines 34-36 also column 3; lines 20-25). Examiner notes that this feature represents automatically querying the customer at a predetermined time as to problems with goods. The data sent from the device represents receiving information from a customer to the query.

'227 also teaches when receiving fault information, the customer support center reports the matter to customer information system in charge of maintenance and/or management of the

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customer device (column 2; lines 31-34). Examiner notes this represents analyzing the response received from the customer, determining that a problem exists and transmitting to a problem solver.

'227 teaches the customer information system in charge of maintenance after confirming that a problem exists provides instructions for repair or manages progress of the state from the reception of the problem to restoration (e.g. column 4; lines 10-20). Examiner notes that this represents transmitting a solution to the customer.

Stated previously by Examiner, the exemplary method of '227 does not specifically detail how usage and quality data are collected. This includes collection via a user interface, including user interaction.

'532 teaches interactive customer. The invention of '532 includes a software agent installed on a customer's computer and a server machine (see column 1, lines 59-61). A rules engine causes instructions carrying a message targeted specifically toward a customer to be downloaded to the agent (column 2, lines 7-13). '532 teaches one of these rules being the presentation of a survey to a customer after a specified time period within an interactive user interface (see column 8, lines 20-25 and Figure 7). Further '532 teaches one of the exemplary uses of the invention is technical support (column 2, line 24-27).

Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of '227 to include a open-ended survey (query) sent on a periodic basis (i.e. once a month or once a week) as taught by '532. One of ordinary skill in the art would have been motivated to combine the references in order to provide increase technical support.

'227 does not teach sending a query to the user requesting verification that the problem has been solved. Examiner took Official Notice in the Office Action mailed 12/23/03 that it is old and well known in the art to send "follow-up" queries to customers in order to verify that the work performed was done to the customer's satisfaction. This old and well-know Official Notice statement is being treated as admitted prior art as it was not traversed by Applicant. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of '227 to schedule an additional query right after a fault has been handled in order to verify that the problem has been resolved to the customer's satisfaction.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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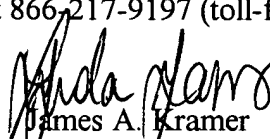
Response to Arguments

Applicant's arguments with respect to claims 1-9 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James A. Kramer
Examiner
Art Unit 3627

jak

Lynda Jasmin, 6/14/05
Primary Examiner